THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.20434 OF 2006

DATED: 11-12-2006

Between :
Syed Yousuf Hussaini ... Petitioner

And

The Regional Passport Officer, Passport Office,
Secunderabad. .. Respondent

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.20434 OF 2006

ORDER :

This writ petition is filed seeking a declaration that the alleged action on the part of the Regional Passport Officer in not correcting the date of birth in the passport issued to the petitioner as arbitrary and illegal.

It is stated that the petitioner was issued a passport bearing No.B2230512 on 13-6-2000. Since the application for the said passport was made through an Agent, it appears that there were certain discrepancies in the details furnished, and consequently in the passport issued to the petitioner the date of birth of the petitioner was wrongly recorded as 2-8-1982 instead of 20-7-1976. The petitioner having realised the said mistake, subsequently made an application requesting the respondent for correction of date of birth in the passport. It is alleged that the respondent refused to entertain the same. Hence, this writ petition.

I have heard the learned Counsel for the petitioner in detail.

Despite service of notice on 5-10-2006, the respondent did not choose to appear.

It is to be noted that the Government of India, Ministry of External Affairs, issued circular dated 18.04.2001, which reads as under:

> *(a) Where an applicant is seeking rectification/Correction of a mistake in the entry of date of birth/place of birth in the passport, PIA (Passport Issuing Authority) may after verifying/satisfying himself, after the correction treating the same as a technical correction. There is no need for a declaratory order in such cases.*

(b) Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court Order. As per the provisions of Section 21 of the General clauses Act, 1997, a competent authority issuing a certificate could also make necessary amendments to the same.

(c) *Where the initial entry has been made on the basis of a supportive document issued by one competent authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority i.e., municipal authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent Court of jurisdiction, certifying the valid date of birth/place of birth."*

Having considered the above circular, this Court in **Ali Imran v. Regional Passport Officer, Secunderabad** [1] held that as per the circular dated 18.04.2001, it is permissible to accept the applications for rectification/correction of the entries in the passport.

The petitioner contended that as can be seen from the Secondary School Certificate issued by the Board of Secondary Education, A.P. as well as the Birth Certificate issued by the Municipal Corporation of Hyderabad, the petitioner's date of birth was shown as 20-7-1976 and in the light of the said authenticated material the correction sought by the petitioner is only a technical correction which falls under Clause (a) of the Circular dated 18-4-2001. In support of his submission, the learned Counsel for the petitioner relied upon a decision of **Asra Begum v. Regional Passport Officer, Secunderabad** [2].

In the facts and circumstances of the case, following the decision of this Court in **Ali Imran's** case (1 supra), the writ petition is disposed of granting liberty to the petitioner to make fresh application with all the relevant material to substantiate his plea within two weeks from the date of receipt of a copy of this order. If any such application is made, the respondent is directed to receive the same and pass appropriate orders in accordance with the Circular dated 18-4-2001 and communicate the same to the petitioner within four weeks thereafter.

Writ Petition is accordingly disposed of. No costs.

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G. ROHINI, J.

Dt. 11-12-2006
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[1] 2003(3) ALD 625;

[2] 2004(6) ALD 360.